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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,770	03/15/2004	Jeffrey C. Zimmerman	BBT-PT002.1	2644
3624	7590	07/18/2006	EXAMINER	
VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			NICOLAS, FREDERICK C	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,770

Applicant(s)

ZIMMERMAN, JEFFREY C.

Examiner

Frederick C. Nicolas

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hornsby et al. 2002/0127946.

Hornsby et al. disclose an air-pressurized water gun (col. 1, paragraph [0009], which comprises a housing (12) having a water tank (38), an air pump (33) mounted on the housing, a battery connected to the housing and in electrical connection with the pump (col. 3, paragraph [0041], actuation means for providing power from the battery to the pump such that compressed air is transferred from the pump into the tank (col. 3, paragraph [0041], an avenue of release between the tank and a nozzle (42) as seen in Figure 3a, with a selectively actuatable valve (44) located along the avenue of release to allow the discharge of pressurized fluid from within the tank, a manually operable trigger (24) attached to the housing that actuates the selectively actuatable valve, a linkage that connects the trigger to the selectively actuatable valve (col. 2, paragraph [0032], the actuation means is a switch (70) operated by a trigger (24).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-10,13-15,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hornsby et al. 2002/0127946 in view of Azuma et al. 5,356,051.

Hornsby et al. have taught all the features of the claimed invention except that a pressure sensor that measures pressure within the tank. Azuma et al. teach the use of a pressure sensor (7) being measured pressure within a tank (1), an air pump (21), wherein when the pressure within the tank reaches a predetermined level, the air pump is deactivated (col. 4, ll. 39-66) and a pressure meter (24), wherein the pressure meter indicates pressure within the tank using multi-colored light emitting diodes (col. 8, ll. 58-68 onto col. 9, ll. 1-68 onto col. 10, ll. 1-61).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pressure sensor including the pressure meter of Azuma et al. onto the tank of Hornsby et al. as taught by Azuma et al. in (col. 2, ll. 3-7), in order to provide a means of controlling the pressurizing device in response to a sensing signal from a pressure sensor.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornsby et al. 2002/0127946 in view of Johnson et al. 5,586,688.

Hornsby et al. have taught all the features of the claimed invention except that a manually operated master switch. Johnson et al. teach the use of a manually operated master switch (31) (col. 3, ll. 14-34).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the master switch of Johnson et al. onto the device of Hornsby et al., in order to provide the user a means of manually deactivating or activating the motor.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hornsby et al. 2002/0127946 in view of Hornsby et al 2002/0020712.

Hornsby et al. have taught all the features of the claimed invention except that a battery holder. Hornsby et al. [712] teach the use of a battery holder (250) for containing batteries, where the battery holder being located below and being wider than a handle (253) as seen in Figure 22.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the battery holder of Hornsby et al. [712] onto the device of Hornsby et al., in order to provide a holder for batteries.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Duffy et al. 6,672,200 and Ash et al. 6,082,589 disclose other types of pressurized container.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-


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272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
July 9, 2006

 7/9/06
Frederick C. Nicolas
Primary Examiner
Art Unit 3754